

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Jo Plyler, Council Member
Mark C. Uptegraph, Council Member
Remar M. Harvin, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, April 14, 2016
Town Hall – 4585 Charlotte Street
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. SWEARING IN OF COUNCIL MEMBER JO H. PLYLER**
- VI. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the March 24, 2016 Regular Meeting**
- VII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.**
- IX. PUBLIC HEARINGS AND SECOND READINGS**
- X. FIRST READINGS AND REGULAR AGENDA**
 - a. Consider Amendment to Site Plan and Landscaping Plan as proposed by DR Horton for Haverhill Pointe**
 - b. FIRST READINGS OF ORDINANCE NO. 437**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3, R-2 TWO-FAMILY RESIDENTIAL DISTRICT, SECTION 58-181, PURPOSE AND INTENT OF DIVISION, TO DELETE THE REFERENCE TO GARAGES FOR EACH LOT; AND AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3, OFF-STREET PARKING REGULATIONS, SECTION 58-363, NUMBER OF PARKING SPACES REQUIRED, IN ORDER REQUIRE EACH DWELLING UNIT IN A RESIDENTIAL DISTRICT TO PROVIDE FOR A TWO CAR GARAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.
 - c. FIRST READING OF ORDINANCE No. 438**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-319, WALLS FENCES AND SHRUBBERY, BY ALLOWING FOR FENCES TO BE PLACED ON THE PROPERTY LINE AND CLARIFYING THAT THE SETBACK REQUIREMENTS ARE APPLICABLE TO DRIVEWAYS EXCEPT WHERE SUCH DRIVE

ACCESSES A STREET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

d. RESOLUTION 2016-01: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL ENDORSING PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY'S PLAN AND THE TOWN OF HAVERHILL'S PARTICIPATION IN A ONE CENT SALES TAX PLAN PARTNERSHIP THAT WOULD FUND IMPORTANT PUBLIC INFRASTRUCTURE INITIATIVES AND TO PLACE A REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR VOTER APPROVAL OF SUCH SALES TAX PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

e. Approve Interlocal Agreement among Palm Beach County, the School Board of Palm Beach County, Florida and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax

f. RESOLUTION 2016-02, A RESOLUTION OF THE TOWN OF HAVERHILL APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE PUBLIC SECTOR AGENCY AND PALM BEACH COUNTY TO PROVIDE GEOGRAPHICAL AND ANALYTICAL PRODUCT ACQUISITION COORDINATION TO THE AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

XI. REPORTS

Town Attorney

Mayor

Administrator's Report

Committee/Delegate Report

Treasurer's Report (included in packet)

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, CMC, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL
Regular Town Council Meeting
Thursday, April 14, 2016
Town Hall – 4585 Charlotte Street
OFFICIAL MINUTES**

Pursuant to the foregoing notice, a regular meeting of the Haverhill Town Council was held on Thursday, April 14, 2016 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; Lawrence Gordon, Vice Mayor; Remar M. Harvin, Council Member; Jo Plyler, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Janice C. Rutan and Director of Public Services, Joseph Roche.

CALL TO ORDER

Mayor Foy called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the Invocation. Mayor Foy then led the Pledge of Allegiance.

ROLL CALL

The Town Administrator recorded all members were present.

COMMENTS FROM THE PUBLIC

None.

SWEARING IN OF COUNCIL MEMBERS:

John Foster administered the Oath of Office to Council Member Jo Plyler who had been appointed to Council Seat 2 for the ensuing two year term.

APPROVAL OF AGENDA

With no additions, deletions and subtractions, a motion was made by Council Member Harvin and seconded by Council Member Plyler and unanimously passed (5-0) to approve the agenda as presented.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the March 24, 2016 - Regular Meeting

A motion was then made by Council Member Harvin seconded by Council Member Plyler and unanimously passed (5-0) to approve the Consent Agenda as presented.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPT.

Deputy Blabo was present representing the Palm Beach County Sheriff's office. He reported on the three burglaries of A/C units that occurred in Emerald Cove. Discussion followed as to the possibility the thefts being an inside job as they always occurred when the property was being prepared for a final walk thru prior to a closing.

Council expressed their appreciation to the Palm Bach County Sheriff's office for their support.

PUBLIC HEARINGS AND SECOND READINGS

None

FIRST READINGS AND REGULAR AGENDA

Consider Amendment to Site Plan and Landscaping Plan as proposed by DR Horton for Haverhill Pointe

Julian Bryan was present representing DR Horton. The applicants were amending the site plan to delete the north side entry side panel, explaining that it would not be needed as they planned to market the property from the north via Belvedere Road and the double signage would not be necessary.

Mayor Foy noted for the record there was no public comment.

A motion was then made by Council Member Harvin, seconded by Vice Mayor Gordon and unanimously passed (5-0) to approve the Haverhill Pointe site plan amendment by deleting the north side entry sign panel.

FIRST READINGS OF ORDINANCE NO. 437

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3, R-2 TWO-FAMILY RESIDENTIAL DISTRICT, SECTION 58-181, PURPOSE AND INTENT OF DIVISION, TO DELETE THE REFERENCE TO GARAGES FOR EACH LOT; AND AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3, OFF-STREET PARKING REGULATIONS, SECTION 58-363, NUMBER OF PARKING SPACES REQUIRED, IN ORDER REQUIRE EACH DWELLING UNIT IN A RESIDENTIAL DISTRICT TO PROVIDE FOR A TWO CAR GARAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster. Attorney Foster offered Staff's report.

There being no public comment, a motion was made by Council Member Uptegraph, seconded by Council Member Plyler and unanimously passed (5-0) to approve Ordinance No. 437 on first reading.

FIRST READING OF ORDINANCE No. 438

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 58-319, WALLS FENCES AND SHRUBBERY, BY ALLOWING FOR FENCES TO BE PLACED ON THE PROPERTY LINE AND CLARIFYING THAT THE SETBACK REQUIREMENTS ARE APPLICABLE TO DRIVEWAYS EXCEPT WHERE SUCH DRIVE ACCESSES A STREET; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The title was read by Attorney Foster. Attorney Foster offered Staff's report.

There being no public comment, a motion was made by Vice Mayor Gordon, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 438 on first reading.

RESOLUTION 2016-01: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL ENDORSING PALM BEACH COUNTY AND THE SCHOOL DISTRICT OF PALM BEACH COUNTY'S PLAN AND THE TOWN OF HAVERHILL'S PARTICIPATION IN A ONE CENT SALES TAX PLAN PARTNERSHIP THAT WOULD FUND IMPORTANT PUBLIC INFRASTRUCTURE INITIATIVES AND TO PLACE A REFERENDUM ON THE NOVEMBER 8, 2016 BALLOT FOR VOTER APPROVAL OF SUCH SALES TAX PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The title was read by Attorney Foster.

Sherry Brown, Assistant Budget Director for Palm Beach County was present to offer Council the background and intent of the proposed infrastructure surtax (one penny sales tax). In order for the sales tax initiative to be placed on the November ballot, municipalities representing a majority of the County's municipal population would have to enter into an Interlocal Agreement between the parties (Palm Beach County, the School Board of Palm Beach County and the Municipalities).

When asked about the involvement of the cultural council and the economic component, Ms. Brown explained that there was a 25 million dollar set aside for housing for the homeless and low income. She explained that 4.5% of the total proceeds would go to cultural council and 1.5% to businesses. The cultural council was falling under the "economic" needs of the County.

In response to Council Member Harvin's question about whether the housing for homeless and low income would include rentals, she was unsure as right now there was no dedicated plan for spending the 25 million, however, there would be ample time for public input.

The matter of the Interlocal Agreement would be on the Palm Beach County Board of Commissioner's May 3 agenda for first reading. The proposed Ordinance would require two hearings to place the matter on the ballot.

Vice Mayor Gordon requested consideration be given to local preference for minorities.

Mayor Foy reminded all that the initial intent of the proposed sales tax was to fund the backlog of needed infrastructure repairs for the schools, county and municipalities. Now the proposal has added the Cultural Council and the economic development initiative which he is against.

Referring back to the proposed Resolution, he would like to strike Section 1, thus eliminating the language that the Town of Haverhill supports the one cent sales tax plan. He only wants to see the question go to the voters.

Discussion followed. Vice Mayor Gordon expressed his concern that sales taxes affect the lower income disproportionately. He too would support the tax for infrastructure repairs, but not for cultural or economic initiatives.

Attorney Foster questioned whether or not the Cultural Council could be a part of the shared proceeds as they were a not for profit agency and may not fall under the Florida Statutes that govern who can receive a portion of the surtax. It was his understanding the Town of Palm Beach had requested an advisory opinion from the Attorney General for clarification on this.

Ms. Brown explained that they had received an advisory opinion from their outside counsel that stated cultural needs fall under economic development projects which are permitted under the statute. She was confident the opinion would stand.

Vice Mayor Gordon noted that the Cultural Council was able to sell the idea and would spend over one million dollars to be sure it sold. Ms. Brown commented that yes, the Cultural Council can advocate, whereas the County and municipalities can only educate.

She explained that all cultural projects, with the exception of the Glade and Pahokee would require a one to one match, public dollar for private dollar for all projects.

Mayor Foy once again voiced his opposition to passing the Resolution.

Attorney Foster inquired as to whether the Cultural Council was a 501 C 3 Corporation and what the Department of Revenue would be charging for Administrative Fees. Discussion as to the oversight committee followed, with Mayor Foy commenting that he would prefer the Town maintain its own oversight committee and not join the Palm Beach County League of Cities. Ms., Brown responded that the DOR would collect approximately between 2 – 4% of the total collections.

Attorney Foster then expressed his concern over the Town's support of the Interlocal Agreement and if it was later determined by the Attorney General's office that the Cultural Council could not partner with the County and the municipalities because of their not for profit status, would the materiality or severability provision protect the Town.

Ms. Brown once again expressed her confidence that County Administrator Verdenia Baker had thoroughly vetted the inclusion of the Cultural Council and had legal opinions to support her decision. Attorney Foster felt more confident if the Attorney General's office would offer its opinion before the Town moved forward and noted he would follow up with both the Attorney for the Town of Palm Beach who was drafting the request to the AG and with the Attorney for Palm Beach County.

Reminding all that the matter before the Town Council was the Resolution only and not the Interlocal Agreement, the Mayor called for a motion.

No motion was made.

Approve Interlocal Agreement among Palm Beach County, the School Board of Palm Beach County, Florida and the signatory municipalities pertaining to the shared distribution and use of the one cent local government infrastructure surtax
The discussion continued. Mayor Foy reminded all that the matter would be before the Board of County Commissioners on May 3, 2016 and they would need 51% of the County's municipal population to vote in favor of the ILA before it could move forward to being placed on the ballot. He would like to see the question go to the voters.

A motion was then made by Council Member Plyler and seconded by Council Member Uptegraph to postpone action on the Interlocal Agreement until April 28, 2016. The vote was called and passed 3-2 with Vice Mayor Gordon and Council Member Harvin voting against the motion.

RESOLUTION 2016-02, A RESOLUTION OF THE TOWN OF HAVERHILL APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE PUBLIC SECTOR AGENCY AND PALM BEACH COUNTY TO PROVIDE GEOGRAPHICAL AND ANALYTICAL PRODUCT ACQUISITION COORDINATION TO THE AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The Title was read by the Town Administrator.

Attorney Foster explained the Agreement contained a 60 day termination clause.

A motion was made by Vice mayor Gordon, seconded by Council Member Harvin and unanimously passed (5-0) to adopt Resolution 2016-02 as presented.

REPORTS

Town Attorney

None.

Mayor

Mayor Foy announced that there had been a meeting earlier in the week regarding the FEMA FIRM and the technical aspects of the mapping and LIDAR information.

The 4th term of the 5 year NPDES permit had been sent to all communities.

He reported on the Palm Beach County League of Cities District 2 and 3 meeting held earlier in the week. Discussion included the installation of speed bumps and the County's policy on fees and leaving things the way you found them.

Administrator's Report

The Director of Public Services, Joseph Roche reported on the Palmetto/Pineway drainage project which is on schedule to begin April 18, 2016. Work will not begin until after 8:00 a.m. He had notified most property owners of the construction.

Committee/Delegate Report

None.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Residents from New Parkview Place inquired as to the lawn maintenance in their subdivision.

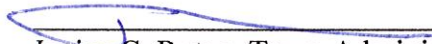
Tony and Rosemary, residents of Sunset Isles, had seen the sign for the meeting in their neighborhood and decided to attend.

A brief discussion regarding police coverage ensued.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:10 p.m.

Approved: May 12, 2016



Janice C. Rutan, Town Administrator



Jay G. Foy, Mayor

CONSTITUTION OF THE STATE OF FLORIDA
ARTICLE II – SECTION 5



OATH OF OFFICE

"I, Jo H. Plyler, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of Town Council Member, Seat 2 on which I am now about to enter. So help me God."

Jo H. Plyler

Town of Haverhill Council Member
Seat 2

The above Oath was sworn to and subscribed before me this 14th day of April, 2016 by Jo H. Plyler who is personally known to me.

Signature and Title of Officer Administering
John F. Foster, Town Attorney

Mayor Jay Foy
Vice Mayor Lawrence Gordon
Council Member Jo Plyler
Council Member Mark C. Uptegraph
Council Member Remar M. Harvin
Town Administrator Janice C. Rutan
Town Attorney John Foster



STAFF REPORT
April 14, 2016
Staff Report
Infrastructure Sales Tax

On March 22, 2016, the Board of County Commissioners (BCC) approved a plan for a one cent infrastructure surtax, that would sunset after 10 years, would require the creation of oversight committees and included Palm Beach County, School Board of Palm Beach County and the Municipalities. The distribution will be 48% for the School Board, 27.5% for the County, 4.5% for Economic Development Cultural Facilities, 1.5% for Economic Development Incentives, and the remaining 18.5% will be distributed to the Municipalities.

To include the School Board and change the allocations as outlined in Florida Statutes, an interlocal agreement is needed from the municipalities representing a majority of the municipal population. The Palm Beach County League of Cities has been working with County Administrator Baker to facilitate the moving forward of the referendum in order to bring the infrastructure surtax to the voters.

It has been requested that each municipality execute the Interlocal Agreement in order for their city's population to be included in the 51% of the municipal population necessary to move forward with the referendum.

Approval of the Resolution and the Interlocal Agreement would demonstrate the support of the Town inasmuch as to place the question on the November ballot for the voters to determine.

Sherry Brown, Assistant Budget Director for Palm Beach County will be present at the meeting to answer any questions the Council may have.